

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 13 2002

Jon P.

OFFICE OF
MANAGING DIRECTOR

Andrew D. Lipman
Jean L. Kiddoo
Paul O. Gagnier
Swidler Berlin Shereff Friedman, LLP.
3000 K Street, NW, Suite 300
Washington, DC 20007-5116

RE: Request for Waiver of Filing Fees
Fee Control No. 0208238115400002
Fee Control No. 0208238115400001
Fee Control No. 0208238145548001
Fee Control No. 0208238994161005

Dear Counsel:

This is in response to the request for waiver and refund of application fees in the amount of \$ 815.00, \$6,520.00, and \$6,520.00 paid by Global Crossing Telecommunications, Inc. (GCTI), in connection with applications of Global Crossing Ltd. (GCL), and an application fee in the amount of \$1,325.00 paid by GCTI in connection with the application of GC Acquisition Limited (New GX). The GCL applications were to transfer control of domestic section 214 subsidiaries; transfer control of international section 214 subsidiaries; and to transfer control of submarine cable landing licenses. The New GX application was to transfer control of wireless licenses.

In your petition, you state that on January 28, 2002, GCL and most of its FCC-licensed subsidiaries filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the Southern District of New York and other jurisdictions. You do not state, however, that New GX filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code.

Section 1.1117 of the Commission's Rules, 47 C.F.R. Section 1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990). Section 1.1117 further provides that an applicant seeking a waiver of the filing fee requirement include the applicable fee with its waiver request, and also provides that the fee will be returned if the waiver is granted. Id.

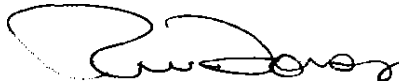
Andrew D. Lipman
Jean L. Kiddo
Paul O. Gagner

2.

You have presented information showing that GCL and **GCTI** filed Petitions under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court, Southern District of New **York**. We find that these filings establish financial hardship **and** demonstrate good cause for waiver of the filing fees. See MobileMedia Corporation, 14 FCC Rcd 8017,8027 (1999) (bankruptcy establishes good cause for waiver of filing fee); Accordingly, we are providing a refund in the amount of \$13,855 for the filing fees that GCTI paid in connection with GCL's application.

Because you did not present information showing that New GX filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code, we will not waive the **filing** fee of \$1,325.00 that GCTI paid in connection with New GX's application to transfer control of wireless licenses. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



for Mark A. Reger
Chief Financial Officer

0208238115400002

SWIDLER BERLIN SHEREFF FRIEDMAN, LLC

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August 22, 2002

RECEIVED

VIA HAND DELIVERY

AUG 22 2002

Mr. Andrew D. Fishel
Managing Director
Federal Communications Commission
444 12th Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Global Crossing Ltd. (Debtor-in-Possession) and GC Acquisition Limited
-- Petition for Waiver of FCC Application Fees

Dear Mr. Fishel:

By this Petition, Global Crossing Ltd. (Debtor-in-Possession) ("GCL") and GC Acquisition Limited ("New GX") (together, "Petitioners"), pursuant to Sections 1.1113 and 1.1117 of the Commission's Rules,¹ hereby request a waiver and refund of the fees paid by Petitioners in connection with their *Application for Consent to Transfer Control and Petition for Declaratory Ruling* and associated applications (the "Applications"). The Applications were filed with the Commission today. As detailed below, GCL's bankruptcy filing provides good cause for granting this Petition, and its grant will serve the public interest.

Section 1.1117(a) of the Commission's Rules provides that fees paid to the Commission may be waived where good cause is shown and where waiver would promote the public interest.² Under Section 1.1113(a)(5) of the Commission's Rules, if a fee waiver is granted, the Commission will issue a refund.³

Waiver of the Commission's rules is appropriate if special circumstances, including hardship to an applicant, warrant deviation from the rule and where deviation would not eviscerate the rule.⁴ With respect to waivers of fees, the Commission has stated with respect to

¹ 47 C.F.R. §§ 1.1113, 1.1117.
47 C.F.R. § 1.1117(a).
47 C.F.R. § 1.1113(a)(5)

⁴ *Northeast Cellular Tel. Co. LP v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972)).

GCL and other petitioners that evidence of a court-supervised restructuring or liquidation “establish[es] financial hardship and demonstrate[s] good cause for waiver of the filing fees.” In addition, the Commission has recognized that granting a waiver of application fees serves the public interest by allowing debtors to preserve assets that will accrue to **creditors**.⁶

In the case at hand, GCL’s bankruptcy filing presents the special circumstances that warrant a waiver of the fees paid in connection With the Applications. On January 28, 2002, GCL and most of its FCC-licensed subsidiaries, filed voluntary petitions under Chapter 11 of the U.S. Bankruptcy Code.’ As the Commission has previously acknowledged, waiver of the fees will serve the public interest by preserving assets for GCL’s creditors.’ Therefore, Petitioners respectfully request that the Commission waive the application fees paid by Global Crossing Telecommunications, Inc. (Debtor-in-Possession) (“GCTI”), in connection with the Applications.

GCTI paid the following fees in connection with the Applications:

- Application to Transfer Control of Domestic Section 214 Subsidiaries: **\$ 815.00**
- Application to Transfer Control of International Section 214 Subsidiaries: \$6,520.00
- Application to Transfer Control of Submarine Cable Landing Licensees: \$6,520.00
- Application to Transfer Control of Wireless Licenses (Form 603): \$1,325.00

The total of the filing fees paid by GCTI is \$15,180.00. Copies of the filing fee checks and FCC Forms **159** filed with the Applications are attached.

⁵ *MobileMedia Corpororion*, 14 FCC Rcd **8017,8027** (1999) (bankruptcy establishes **good** cause for waiver of filing fee); *cf. Implementation of Section 9 of the Communications Act*, 10 FCC Rcd **12759, 12762** (I 995) (evidence of bankruptcy or receivership sufficient to establish financial hardship for purposes of waiver of regulatory fees); Letter to Jean L. Kiddoo, Helen E. Disenhaus and Troy F. Tanner from **Mark A. Reger**, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, March **12,2002** (*Letter from Murk A. Reger*).

⁶ *MobileMedia Corporation*, 14 FCC Rcd at **8027**; *Letter from Mark A. Reger*.

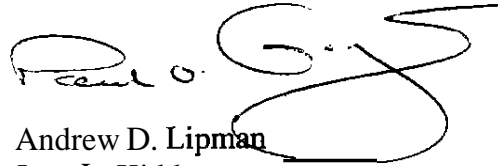
⁷ *In re Global Crossing Ltd., et al.*, Chap. 11 Case Nos. **02-40187 - 02-40241** (REG) (Bankr. S.D.N.Y., Jan. **28,2002**). The same day, GCL and certain of its Bermuda-incorporated subsidiaries filed petitions for the appointment of Joint Provisional Liquidators with the Supreme Court of Bermuda. PC Landing Corp. and various of its affiliates filed for protection under Chapter 11 in the United States Bankruptcy Court for the District of Delaware on July **19, 2002**. *In re PC Landing Corp.*, Chap. 11 Case No. **02-12086** (PJW) (Bankr. D. Del., July **19,2002**).

⁸ *Letter from Mark A. Reger*.

Mr. Andrew D. Fishel
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For the reasons discussed above, Petitioners respectfully request a waiver and refund of \$15,180.00 in filing fees associated with the Applications. Please contact Paul O. Gagnier at (202) 424-7592 if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul O. Gagnier", with a large, stylized flourish extending from the end of the signature.

Andrew D. Lipman
Jean L. Kiddoo
Paul O. Gagnier

Counsel for Petitioners

Enclosures